

**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**August 12, 2008, 6:30 p.m.**

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Alderman Steve Rauch, Commissioners John Lynch, Bob Schulte, Bob Henney and Town of Burlington Representative Phil Peterson. Aldermen Tom Vos and Commissioner Darrel Eisenhardt were excused. Also present were: City Administrator Kevin Lahner and City Planner Patrick Meehan of Meehan & Company, Inc.

**APPROVAL OF MINUTES**

Commissioner Lynch moved and Alderman Rauch seconded to approve the minutes of July 8, 2008. All were in favor and the motion carried.

**CITIZEN COMMENTS**

None.

**PUBLIC HEARINGS**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

- A. Consideration to recommend approval of a Certified Survey Map from McMahon Associates for property adjacent and including the future Pick and Save site at 1008 Milwaukee Avenue to the Common Council, subject to Kapur and Associates' July 24, 2008 and Patrick Meehan's July 31, 2008 memorandums to the Plan Commission.**

Mayor Miller opened this issue for discussion.

There were no comments.

Commissioner Lynch moved and Commissioner Schulte seconded to recommend approval of a Certified Survey Map for property adjacent and including the future Pick and Save site at 1008 Milwaukee Avenue to the Common Council, subject to Kapur and Associates' July 24, 2008 and Patrick Meehan's July 31, 2008 memorandums to the Plan Commission as follows:

- The Mayor's name on Sheet 5 needs to be corrected to Robert Miller.
- Since direct vehicular access to STH36/83 is not permitted from proposed Lots 1 and 3, a shared driveway access easement must be created along the western leg of proposed Lot 2 so that all three lots (1, 2, and 3) have a shared and common access point from and to STH 36/83. This shared access easement needs to be created, reviewed by the City Attorney, and graphically shown and noted (with a Racine County Register of Deeds document number) on a revised CSM submitted to City staff for review. Any such shared access easement must specify its continued maintenance through time and the delegation of the responsibilities of such maintenance to each of the property owners of proposed Lots 1, 2, and 3.

All were in favor and the motion carried.

**B. Consideration to approve a Site Plan Application for Best Value Flooring and Contract Design Center, LLC, for property located at 941 Milwaukee Avenue, subject to Kapur and Associates' July 29, 2008 and Patrick Meehan's July 31, 2008 memorandums to the Plan Commission.**

Mayor Miller opened this issue for discussion.

Commissioner Lynch excused himself from this topic at this time.

Julie Burris, RSV Engineering gave a brief overview of the building, the intended use and parking arrangement.

Patrick Meehan questioned if there is a shared parking agreement in place. Ms. Burris stated that there is an agreement.

Alderman Rauch questioned if this is a new business or a business relocation. Ms. Burris stated it is a new business.

Commissioner Schulte moved and Commissioner Henney seconded to approve a Site Plan for Best Flooring and Contract Design Center, LLC at 941 Milwaukee Avenue, subject to Kapur and Associates' July 29, 2008 and Patrick Meehan's July 31, 2008 memorandums to the Plan Commission as follows:

- A copy of the "Lease Agreement" entered into between the owner of the subject property (and Lessee) and the owner (the Lessor) of the northeastern abutting property (Tax Parcel No. 206-0319-2912-5760) must be submitted to the City verifying that a shared parking arrangement has been made for the use of thirteen (13) off-street parking stalls located off-site on the northeastern abutting property (Tax Parcel No. 206-0319-2912-5760) so that adequate off-street parking is afforded the proposed flooring store use.
- The proposed use of 5,500 square feet of building area for flooring store use will be

subject to the review by the Plan Commission for a term not less than, nor more than, the term of the required "Lease Agreement" executed between the subject property owner (and Lessee) and the owner (the Lessor) of the northeastern abutting property (Tax Parcel No. 206-0319-2912-5760) or any successor lease providing off-street parking on the northeastern abutting property (Tax Parcel No. 206-0319-2912-5760) or any other property adjoining 941 Milwaukee Avenue. If City-required off-street parking is not provided for the various uses at 941 Milwaukee Avenue, the Plan Commission's approval of this Site Plan shall expire at the end of the parking lease term. If the property owner provides a successor lease providing off-street parking on the northeastern abutting property (Tax Parcel No. 206-0319-2912-5760) or on another property adjoining 941 Milwaukee Avenue, the Plan Commission shall not withhold continued approval of the Site Plan subject to the same review period for that new or extended off-street parking lease as stated herein. The intent of the Plan Commission review is to assure that adequate off-street parking is provided for the subject property pursuant to the requirements of the City Zoning Ordinance. An alternative to this requirement is the grant of an off-street parking variance by the Zoning Board of Appeals.

- The signage note(s) on the submitted Site Plan notwithstanding, all proposed signage at the subject property must meet all of the applicable signage requirements of the City Zoning Ordinance for the B-1 District.
- The parking, utilities and lighting are currently in place and are to remain the same. Proposed signage is to be located on the side of the building facing HWY "36", near the location of the previous "JEEP" signs on the building.
- The site plan indicates that customer parking and the main entrance will be located on the north side of the building. Customers would be using the HWY "36" entrance north of the vacant used car sales building and traveling through the old car dealership lot. This entrance must be shown on the plans.
- Customer parking areas to the north of the building shall be restriped to conform to the proposed plan and meet Burlington parking regulations for lane and stall sizes. The area to the south of the building does not conform to parking and lane requirements.

All were in favor and the motion carried.

**C. Consideration to approve a Landscape Plan from McClure Engineering Associates, Inc. for Wal-Mart Super Center located at 1901 Milwaukee Avenue.**

Mayor Miller opened this issue for discussion.

Commissioner Lynch returned to the meeting at this time.

Robin Hamm, 811 S. Teut Road, approached the commission with photographs of the landscaping and trees at Wal-Mart that have been damaged. She also explained the problems she has been having with flooding on her property that she believes is from the run-off from Wal-Mart. City Administrator Lahner explained that this meeting's topic is regarding the revised landscape plan and not the flooding issues. Mayor Miller stated to Ms. Hamm that he will contact Kapur and Associates, Inc., City Engineers, to review the flooding issues.

Commissioner Peterson agreed with Ms. Hamm that the area is more saturated now than before Wal-Mart was built.

Viki View-Peterson, 1322 S. Teut Road, addressed the commission with several issues regarding Wal-Mart she feels are still a problem, stating the fence that is in place to keep the flooding at bay is ineffective, the outside trash receptacle is not screened, the landscaping is frequently littered and truck noise is a constant problem. She stated she feels fencing or landscaping is needed to buffer the noise and screen the trash.

City Administrator Lahner reminded the commission that tonight's meeting is regarding the deterioration of the landscaping. He further stated that Wal-Mart has a Letter of Credit with the City to insure upkeep of the property which will continually be monitored.

Justin Johnson, McClure Engineering, introduced himself and stated he would be more than happy to discuss the ongoing issues with the Wal-Mart corporate office to encourage resolution to the problems.

Commissioner Lynch questioned if there is a noise ordinance in place in regards to the truck noise issues. Patrick Meehan stated the Development Agreement might contain specific information on that for Wal-Mart, however it would have to be researched further.

Commissioner Lynch questioned if a sound decimal test could be done for the problem areas. Mr. Meehan explained it would be hard to regulate the noise to get an accurate reading, as the truck noise would have to be continuous.

Ms. Hamm questioned if the use of the loud speakers by Wal-Mart violates a noise ordinance. City Administrator Lahner explained that the City noise ordinance might address that but would need to be looked into.

Commissioner Peterson stated he doesn't feel the stormwater issue with Wal-Mart has been resolved and needs more work. He stated the retention pond is substantially higher than prior to Wal-Mart being built. City Administrator Lahner responded by stating he would talk with Kapur and Associates regarding this issue and update the commission at the September meeting.

Commissioner Schulte moved and Commissioner Lynch seconded to approve a Landscape Plan for Wal-Mart Super Center located at 1901 Milwaukee Avenue. All were in favor and the motion carried.

**D. Consideration to approve an Exterior Elevation Plan from Gries Architectural Group, Inc. for the Pick & Save grocery store to be located at 1008 Milwaukee Avenue.**

Mayor Miller opened this issue for discussion.

Curt Mauer, Commercial Horizons, gave a brief presentation explaining the revised Exterior Elevation Plan for the Pick & Save building. He explained that the difference between the revised plan and the preliminary plan is that the footprint of the building will be slightly smaller.

Commissioner Henney questioned if the roof elevation on the Pick & Save building will be the same as the Kohls building. Mr. Mauer stated it would, except for the entryway on Pick & Save which will have a peak.

Commissioner Lynch questioned how close Kohls and Pick & Save would be to each other. Mr. Mauer stated they will be just a couple of inches apart with a flashing to connect them.

Commissioner Henney moved and Alderman Rauch seconded to approve an Exterior Elevation Plan for Pick & Save at 1008 Milwaukee Avenue. All were in favor and the motion carried.

**OTHER MATTERS**

None.

**ADJOURNMENT**

Commissioner Lynch moved and Commissioner Henney seconded to adjourn the meeting at 6:59 p.m. All were in favor and the motion carried.

Adjourned at 6:59 p.m.

Recording Secretary – Megan E. Johnson